IN THE HIGH COURT OF JUDICATURE, ANDHRA PRADESH
AT HYDERABAD

(Special Original Jurisdiction)

MONDAY, THE TWENTY FIRST DAY OF FEBRUARY
TWO THOUSAND AND FIVE

PRESENT

THE HON'BLE MR JUSTICE G. BIKSHAPATHY

And
THE HON'BLE MR JUSTICE P.S.NARAYANA

WRIT PETITION NO : 987 of 2005

Between:

K. Madan Mohan, S/o. Kulakarni, Senior Assistant,
Office of the Engineer in Chief (Admn.) 1 & CAD Department, Eram Manzil, Hyderabad.

..... PETITIONER

AND

1 S. Eswaraiah, S/o. Hanumanthu, Typist,
Office of ENC (Admn), I & CAD Dept., Eram Manzil, Hyderabad.
2 O. Joga Rao, S/o. Chinnaiah, Typist,
Office of ENC (Admn), I & CAD Dept., Eram Manzil, Hyderabad.
3 A. Mohan, S/o. Pothuluraiah, Typist,
Office of ENC (Admn), I & CAD Dept., Hyderabad.
4 U. Panduranga Vittal, S/o. Ramulu, Junior Assistant,
Office of ENC (Admn), I & CAD Dept., Hyderabad.
5 U. Shailaja Rani, W/o. A. Srinivasa Rao, Junior Assistant,
Office of ENC (Admn), I & CAD Dept., Hyderabad.
6 T. Jagan Mohan, S/o. T. Ramalingaiah,
Office of ENC (Admn), I & CAD Dept., Hyderabad.
7 Secretary to Government I&CAD Department, Secretariat, Hyderabad.
8 Engineer in Chief (Admn), I&CAD Department, Eram Manzil, Hyderabad.

.....RESPONDENTS

Petition under Article 226 of the constitution of India praying that in the circumstances stated in the Affidavit filed herein the High Court may be pleased to issue a writ, order or direction, more particularly one in the nature of Certiorari declaring the order dated 1-10-2004 in O.A.No. 5965/1999 on the file of the Hon'ble

APAT as illegal and invalid and consequently quash the said order dated 1-10-2004 and declare that the seniority of the petitioner in the cadre of Jr. Assistant shown at Sl.No. 14 of the Annexure to the Proceedings No. RC/EENC/G-4/67000/92 dated 12-11-1998 issued by the 8th respondent is legal and valid and with all other consequential benefits, monetary and other wise and pass such other or orders.

Counsel for the Petitioner: MR.T.BAPUJI RAO

Counsel for the Respondent Nos.1, 2, 4 to 6: Mr.V.JAGAPATHI

Counsel for Respondent Nos.7 and 8: GP FOR SERVICES II

Counsel for Respondent No.3: None appeared.

The Court made the following:

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ORAL ORDER: (per GB.J.)

The Writ Petition is filed challenging the order passed by A.P. Administrative Tribunal (for short Tribunal) in O.A.No.5965 of 1999, dated 1.10.2004.

2. The unofficial respondents herein filed the above OA before the Tribunal challenging the proceedings issued on 12.11.1998 relating to seniority in the cadre of Junior Assistants. The said OA was allowed by the Tribunal, against which the present Writ Petition has been filed.

3. The learned counsel for the petitioner submits that the petitioner was transferred to Hyderabad as early as in 1992 and he was never sent back and thereafter the Engineer-in-Chief by way of proceedings dated 3.7.1997 absorbed him in the Department and thereafter his services were also regularised and therefore his seniority is to be reckoned from the date of his initial appointment in Nizamabad Circle. Therefore he submits that the order of the Tribunal is illegal and contrary to law.

4. On the other hand the learned counsel for the unofficial respondents submits that the very transfer is contrary to the Presidential Order and the Government is the competent authority to order transfer of an employee from one zone to another zone. Under such circumstances, the order of the Tribunal cannot be said to be illegal or contrary to law.

5. We find from the order produced before this Court issued by the Engineer-in-Chief dated 3.7.1997, the petitioner was absorbed in the Department. It is to be noted that the transfer from Nizamabad to Hyderabad was effected only on temporary basis but not on permanent on basis. Under these circumstances it is for the petitioner to approach the Government for issuing appropriate orders keeping in view the provisions contained in the Presidential Order. Therefore, we are not inclined to interfere with the order passed by the Tribunal and leave

it open to the petitioner to file a representation to the Government to ratify the transfer effected in 1992 so as to get the benefit of seniority in the present cadre and also subsequent cadres. The petitioner is directed to submit a representation to the concerned authority within a period of three (03) weeks from the date of receipt of a copy of this order and the authority concerned shall consider and dispose of the same within a period of four (04) weeks thereafter.

6. With the directions indicated above, the Writ Petition is disposed of. No costs.

(G.BIKSHAPATHY, J.)

21st February, 2005.

(P.S.NARAYANA, J.)

SSR

To

1 The Secretary to Government I&CAD Department, Secretariat, Hyderabad.
2 The Engineer in Chief (Admn), I&CAD Department, Eram Manzil, Hyderabad.

3 The Registrar, A.P. Administrative Tribunal, Hyderabad.

4 2 CCs to G.P. for Services-II, High Court of A.P. Hyderabad. (OUT)

5 2 CD copies.